REMARKS

The above-identified application is United States application serial number 09/838,972 filed on April 20, 2001. Claims 1-20 are pending in the application. Claims 1-20 are rejected. Claims 1-3, 5-13, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nolan (US Patent 5,754,873). Claims 4, and 14-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nolan in view of Anderson et al (U.S. Patent No. 6,177,956). New claims 21-31 are added.

Amendment to Specification

The specification is amended to correct minor errors in grammar. No new matter is added.

Rejection of Claims Under 35 U.S.C. §102(b)

Regarding the rejection of Claims 1-3, 5-13, 19, and 20 under 35 U.S.C. §102(b) as being anticipated by Nolan (US Patent 5,754,873), the applicant respectfully traverses the rejection of all claims. All of applicant's claim 1-20 specifically claim the action of "receiving ranking information." The Nolan reference discloses nothing relating to the ranking of images. The Examiner's actions dated May 8, 2003; July 25, 2003; and October 23, 2003 all indicate a fundamental misunderstanding of the differences among cardinal and ordinal numbers that are elementary in the English language and most languages throughout the world.

"Ordinal numbers tell the order of things in a set – first, second, third, etc. Ordinal numbers do not show quantity. They only show rank or position." (www.factmonster.com/ipka/A0875618.html) "Ordinal numbers indicate a sequence." (cyberitalian.com/html/gra_adj.htm) The applicants claim methods that involve the ranking of pictorial images, for example according to subjective criteria of a user, although other criteria may be used. Accordingly, the claims specify an action of assigning a particular ordinal ranking to the images.

The Examiner rejects the claims on the basis that Nolan's teaching of "display size" comprises "ranking information." In common usage of the English language, the Examiner is in error on the basis of distinction between cardinal and ordinal numbers.

"A cardinal number tells "how many." Cardinal numbers are also known as "counting numbers," because they show quantity." (www.factmonster.com/ipka/A0875618.html) "Cardinal numbers indicate quantity." (cyberitalian.com/html/gra_adj.htm)   Nolan's display size is defined by a cardinal number that simply defines a size (relating "how much" or "how many") that has nothing whatsoever to do with ranking.

Accordingly, claim 1 is allowable on the basis that Nolan does not disclose either receiving ranking information or sizing an image based on ranking information. Applicant's claim 1 specifically claims actions of receiving ranking information, an ordinal entity, and converting the ordinal valuation to a cardinal representation in the "sizing" action. In contrast, Nolan discloses "display size", a cardinal quantity, which is merely scaled to a different cardinal quantity.

Claims 2 and 3 are allowable on the basis that Nolan does not disclose "generating" or "printing an album page." The Examiner refers to Nolan's Figures 2, 3A-C which merely show computer display screens and have nothing to do with creating pictorial or photographic album pages, whether ultimately displayed on a screen, printed, or communicated via network.

Claim 5 is allowable for the same reason as Claim 1 since Nolan does not disclose "ranking information" and therefore cannot teach "storing" of ranking information.

Claim 6 is allowable because "ranking information" is inherent in the claim and not disclosed in Nolan.

Claims 7-13 are allowable because all relate to actions associated with "ranking information" to which Nolan has no relevance.

Claim 19 and 20 are allowable because Nolan lacks teaching of "receiving . . . ranking information" or "sizing . . . based on . . . ranking information."

Nolan does not disclose in any manner an action of "receiving ranking information from a user," relating to an ordinal description of numbers, but rather teaches that a user enters a "preferred display size." [Col. 2, lines 34-35, and Col. 3, line 11] that specifically relates to a cardinal aspect relating to size of an entity. Alternatively, Nolan teaches that the

1, 2, 3

user enters selection of "a selected section of text" and a "zoom scaling control," operations that are tantamount to selection of a preferred display size, all cardinal in usage. [Col. 2, lines 46-49]. The Examiner states that the reference "clearly states different text sizes and scaling factors" and that "mere usage of these different text sizes is a clear presentation of ranking information."

In addition to the differences between cardinal and ordinal aspects of numbers, Nolan's statement of different text size and scaling factors ("where each text section can have a different displayed size" [Col. 2, lines 47-48]) relate to text characteristics that are already in the image. The display size or scaling entered by the user is irrelevant to any differences, ordering, or hierarchy within the images, and thus is irrelevant to any sort of "ranking" that is received from the user.

With regard to Claim 7, the Examiner states that "sizing to zero" as claimed by the applicant is equivalent to "deleting". However, these actions are not the same. In the context of Nolan, "deleting" means removing displayed text from an image, while "sizing to zero" means assigning a size of zero to an image. "Deleting" is an operation performed by a user during displayed document editing, while "sizing to zero" is an operation automatically performed by a processor while displaying an image after a user previously assigns a rank below a threshold value. Therefore, in Nolan a user can see text deletion while performing editing. In contrast, sizing of an image to zero does not immediately result in non-display of an image. Depending on the set threshold, an independent operation, a user does not know whether a particular ranking will result in non-display of the image when display is attempted. Countless other distinctions can be imagined resulting from the wide discrepancy between the contexts of Nolan and the present application.

Rejection of Claims Under 35 U.S.C. §103(a)

Regarding the rejection of Claims 4, and 14-18 under 35 U.S.C. §102(b) as being anticipated by Nolan in view of Anderson et al, the applicant respectfully traverses the rejection of all claims because the combination of references remains deficient and lacks disclosure of "ranking information".

Accordingly, Claim 4 is allowable on the same basis as claim 1, upon which claim 4 depends.

Claim 14 is allowable because the cited references fail to disclose "receiving ranking information" or "generating . . . album page."

Claims 15-18 are allowable because Nolan and Anderson fail to disclose "ranking control" or "select[ion of] a ranking."
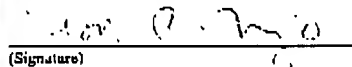
New Claims

New claims 21-31 are added to claim additional aspects to the disclosed system. The original specification fully supports the new claims so that no new matter is added.

CONCLUSION

In view of the amendments and remarks set forth herein, the application, including all remaining Claims 1-31, is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned at (949) 251-0250.
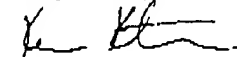
I hereby certify that this correspondence is being facsimile transmitted to the USPTO. Technology Center 2000, Before Final at (703) 872-9314 on the date shown below:

_____ (Signature)

Joy C. Ngo
(Printed Name of Person Signing Certificate)

January 7, 2004
(Date)

Respectfully submitted,

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